

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

John Robert Coleman,)
)
Plaintiff,)
) Civil Action No. 1:13-1442-JMC
v.)
)
)
Carolyn W. Colvin,)
Acting Commissioner of the)
Social Security Administration,)
)
Defendant.)
)

ORDER AND OPINION

This matter is before the court for review of the magistrate judge's Report and Recommendation ("Report") (ECF No. 14), filed June 3, 2014, regarding Plaintiff John Robert Coleman's ("Plaintiff") claim for Disability Insurance Benefits ("DIB"). The Report recommends that the court reverse the Acting Commissioner Carolyn W. Colvin's ("the Acting Commissioner") decision that Plaintiff has not been disabled since September 8, 2009. (*Id.* at 3-4.) The Report further recommends that the action be remanded for further proceedings. (*Id.* at 1.) The Report sets forth the relevant facts and legal standards, which this court incorporates herein without a recitation.

The magistrate judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections

are made, and the court may accept, reject, or modify, in whole or in part, the magistrate judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

The parties were notified of their right to file objections. Plaintiff did not file any objections to the Report. On June 12, 2014, the Acting Commissioner filed her Reply to the Report providing notice that the agency does not object to the Report. (ECF No. 15.) In the absence of objections to the magistrate judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Instead, the court must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report and Recommendation results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough and careful review of the record, the court finds the magistrate judge's Report and Recommendation provides an accurate summary of the facts and law in the instant matter. The court **ACCEPTS** the magistrate judge's Report (ECF No. 14) and incorporates it herein by reference. For the reasons set out in the Report, the Acting Commissioner's final decision that Plaintiff is not and has not been disabled since September 8, 2009 is **REVERSED** and **REMANDED** for additional administrative proceedings.

IT IS SO ORDERED.



United States District Court Judge

June 26, 2014
Columbia, South Carolina